

SEC. 7. Provision against failure of commissioners to meet. That if said commissioners by this act appointed to relocate the aforesaid seat of justice for Clayton county, shall fail or refuse to meet at the time and place named in the first section of this act, and perform the duties enjoined on them, it shall be lawful, and it is hereby made their duty, to meet at said place at any time within one month after said time as aforesaid appointed, that they or a majority of them may agree upon, and then and there perform the duties by this act enjoined.

SEC. 8. Per diem and mileage of commissioners. The said commissioners shall receive three dollars per day for the time they shall be necessarily employed in the relocation of said seat of justice, and three dollars for every twenty miles travel, on the usual travelled route, in going and returning from said place of meeting, to be paid out of the county treasury of Clayton county.

SEC. 9. Seat of justice may be fixed at Prairie La Porte—choice of location to be made by vote of citizens of county—time and manner of holding election—returns of election to be filed with county commissioners and recorded by the clerk of the board. Nothing in this act shall prevent the commissioners aforesaid from fixing the seat of justice at Prairie La Porte, if they think that the public interest requires it to be located at that place: provided, that if the legal voters of said county shall wish to decide between the place selected as the seat of justice and Prairie La Porte, and shall make the same known to the board of county commissioners of said county, by petition, signed by a majority of the legal voters of said county, it shall be the duty of said board to cause an election to be held on the first Monday in June next; said election to be conducted in the same manner as is prescribed by the law regulating general elections.

At the election aforesaid, the electors shall proceed to vote by ballot, those in favor of Prairie La Porte remaining the seat of justice shall vote Prairie La Porte on the ticket, those in favor of the selection made by the commissioners appointed by this act, shall vote the name of said place on their ticket. The votes thus given shall be returned and canvassed according to the law governing general elections; and the place receiving the greatest number of votes shall be and remain the seat of justice of said county. It shall be the duty of the clerk of the board of county commissioners to file the returns of the election aforesaid, in his office, and also to record the same in the record book of said county.

SEC. 10. This act to be in force from and after its passage.

Approved, 15th February, 1843.

[75] CHAPTER 75.

IOWA CITY COLLEGE.

AN ACT to incorporate the Iowa City College.

Whereas, it has been represented to the council and house of representatives of the territory of Iowa, that the quarterly meeting conference of the Methodist Episcopal Church, at Iowa City, have determined to establish a college institution in Iowa City, to the support of which they are pledged to use their efforts, and which college is forever to be conducted on the most liberal principles; accessible to all religious denominations, and designed for the benefit of our citizens in general. And, whereas, the convenience of Iowa City for a public institu- [76]-tion, the eligibility and healthfulness of its location, render it an appropriate place, and if conducted upon free and enlight-

ened principles, would be of immense benefit to the citizens of the territory of Iowa, by disseminating knowledge and useful literature. Therefore,

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. Name and style of college—for the use of all religious denominations—names of trustees, and number of,—time and place of first meeting. That a seminary of learning shall be and the same is hereby established in Iowa City, the established seat of government for the territory of Iowa, to be known by the name and style of the "Iowa City College," which shall be founded and maintained forever, upon a plan the most suitable for the benefit of the youth of every class of citizens, and of every religious denomination, who shall be freely admitted to equal advantages and privileges of education, and to all the literary honors of said college, according to their merit, under the direction of twenty-five trustees, to-wit: John M. Colman, Bartholomew Weed, George B. Bowman, Leonard Jewett, Anson Hart, Edward K. Hart, William C. Reagan, Peter H. Patterson, Jesse Bowen, James P. Carleton, John D. Elbert, John A. Parvin, Joseph Williams, Robert Lucas, John Demoss, Stephen B. Gardner, A. E. McArthur, Curtis Bates, Isaac P. Van Hagan, Robert Hamilton, James L. Thompson, Milton M. Jennison, Ephraim Killpatrick, Roswell H. Spencer, Adam Reister, Jesse P. Farley, who, with their successors, shall be trustees, of said institution and shall hold their first meeting at the place of its location on the first Monday in April, A. D. 1843.

SEC. 2. Power to hold and sell property—amount limited. That the said trustees, and their successors, by the name of "The Trustees of the Iowa City College," shall be a body politic and corporate, and as such forever to exist, and are hereby made able and capable in law to have, possess, purchase, receive, enjoy and retain, hold or dispose of, for the use of said college, lands, tenements, rents and annuities, and other hereditaments, in fee simple, or for a term of years, life, lives, or otherwise, and also monies, bonds, bills, notes, goods, chattles, interests or effects, of whatever nature, quality or kind soever, by the gift, bargain, sale or demise, of any person or persons, body politic or corporate, capable of making the same, and the same to grant, demise, sell, alien and confirm in such manner as they shall judge most conducive to the interest of said college. This college shall not hold a greater amount of real estate, exclusive of college edifices, than thirty thousand dollars.

SEC. 3. To sue and be sued. That the said trustees, and their successors, by the name and style of "The Trustees of the Iowa City College," as aforesaid, shall be capable, in law, to sue and be sued, plead and be impleaded, in [77] any court or courts of record, before any judge, judges or justices within this territory, and elsewhere, in all manners of suits, complaints, pleas, causes, matters and demands, of whatsoever kind, nature or form they may be, and all and every other matter, nature and thing therein to do, in as full and effectual a manner as any person or persons, body or bodies, politic or corporate, of like nature, within this territory, may or can do.

SEC. 4. Power of trustees to fill vacancies—penalty for absence and want of moral character—college to be under patronage of Methodist church—conference of same may employ agents to procure donations—shall appoint a board of visitors—duty of same to report. The said board of trustees shall have power to fill all vacancies that may occur in their own body, by death, resignation or otherwise, at their first meeting, after such vacancy or vacancies may occur, thus keeping up the full number of twenty-five forever, and whenever any trustee shall be absent from three stated semi-annual meetings, without good cause assigned at the fourth, or whenever a majority of all the

trustees shall declare any one of their body incompetent, for want of moral character, the board of trustees shall declare their seats vacant, the said board shall immediately proceed to fill such vacancies. The said trustees shall have the power to place said college under the patronage of the annual conference of the Methodist Episcopal church, in which said college may be situated, on the condition that the said annual conference shall employ an agent to solicit and procure donations for the erection of said college edifice; and said conference shall have the power of appointing annually, any number of visitors, not exceeding nine, who, or so many as shall convene with the board of trustees, shall constitute a joint board in the permanent appointments of all officers of said college. And the visitors, or as many as shall act, shall report to the conference next succeeding the appointment, the condition of the college, and whether it is conducted in conformity with its charter.

SEC. 5. Oath of office of trustees, and form—appointment of president of board and other officers—treasurer to give bond—his duties and penalty for breach of—duties of secretary—duties of president—president pro tem may be appointed. That the said trustees of the "Iowa City College," before entering upon the trust reposed in them, shall severally take the following oath of office, to be administered to them by any justice of the peace in the territory of Iowa, That is to say, I, A. B. do solemnly swear (or affirm,) that I will, to the best of my ability and judgment, faithfully and truly discharge the duties of a trustee of the "Iowa City College," pursuant to the laws of the territory of Iowa, the constitution of the United States, and the charter granted by the territory of Iowa establishing said college, without favor, affection, or partiality, so help me God. And the said trustees shall have power to appoint annually, from their own body, a president of the board, a treasurer, and a secretary, and the treasurer so appointed shall give bond, with such security and [78] in penalty as the trustees shall think proper, payable to the territory of Iowa for the use of said college, which bond shall, by the treasurer and his securities, be acknowledged before the clerk of the district court, of the United States in the territory of Iowa, in and for the county of Johnson, and by him certified and recorded in his office, a copy of which shall be evidence against said treasurer and his securities, for a breach thereof, and it shall be conditioned for the true and faithful discharge of his duty as treasurer of said college, and for the safe keeping of all monies, bonds, notes, deeds, mortgages, trusts or other property belonging to the institution, or which shall be put into, or from time to time come into his hands, which bond may be renewed whenever the said trustees shall require it. And it shall be the duty of said treasurer, to receive and safely keep all monies, bonds, notes, obligations, or conveyances, of real, personal or mixed property, belonging to said college; and shall not pay out any of said money except on the order of the president and countersigned by the secretary, and for any breach of said bond, the treasurer and securities may be proceeded against as upon other official bonds, in the proper courts of the territory of Iowa. The treasurer shall moreover once in every year, and as much oftener as the trustees may require, render to them an account of all monies in his hands, and all monies paid out, stating from whom and what source received, and to whom paid. And in case the treasurer shall fail or refuse to perform any of the duties required of him by this act, the trustees of said college shall have power to declare his office vacant, and proceed to the election of a treasurer to fill the vacancy. And it shall be the duty of every treasurer on leaving the office by removal, resignation or otherwise, upon the order of the board signed and countersigned as aforesaid, to pay and deliver all monies and other property in his hands belonging to said college, into the hands of his successor in office. And it shall be the duty of the secretary to keep a fair record of all the proceedings of the board of trustees, and at the close of every session,

lay them before the president for his signature, and to do and perform all other acts which by this charter may be required of him. And it shall be the duty of the president of the board to preside in all their meetings, when present, and to perform all duties which are required and usually performed by the presiding officer in all similar bodies; and in case of absence at the time of any meeting of the board, it shall be the duty of the trustees to appoint a president pro tem.

SEC. 6. Use of seal—appointment of president of college, faculty professors, etc.—authority to be jointly used by trustees and visitors—powers delegated to the faculty—visitors may make temporary appointments in faculty, subject to the approval of the whole board. That the said trustees and their successors, shall have authority to make and use a common seal, with such devices and inscrip-[79]-tions as they shall think proper, and the same to change, alter, and renew at pleasure; and shall also at any regular meeting of the board from time to time, forever hereafter, have full power and authority to constitute and appoint permanently, in such manner as they shall deem expedient, a president of the college or college of faculties, together with such professors and other instructors as may at any time be necessary to form an efficient faculty for the proper instruction of students in the arts and sciences, in the learned professions and in all the branches of liberal and professional instruction, as taught in the best colleges of our country, or in case the institution is placed under the patronage of the annual conference, as provided for in this act, then the power and authority granted in this section to the board of trustees, shall be jointly exercised by said trustees, and the visitors that may be present at any regular meeting of said board. And the said president and professors, with such other instructors as may by the trustees be included, shall be known and distinguished by the name of "The Faculty of the Iowa City College," and in that name shall be capable of exercising such powers and authorities, rights and privileges in the institution, as shall be delegated to them according to the by-laws enacted by the trustees. The said board of trustees, trustees and visitors, as the case may be, may at any meeting make a temporary appointment of any of the foregoing faculty, whose term of service shall expire at the next regular meeting of the board of trustees. And a majority of the board of trustees, or board of trustees and visitors, as the case may be, may at any time, by resolution to that effect, declare the appointment of office to any of the faculty or instructors vacant, and proceed to fill such vacancy at such meeting, or at any future meeting they may designate.

SEC. 7. Time of holding meeting of trustees—number to constitute a quorum—majority required to make ordinances. That the said trustees and their successors in office, shall meet at least twice every year, in stated semi-annual meetings, to be appointed by their own ordinances, and at such other times as by their said ordinances they may direct, for the purpose of transacting such business for the prosperity and welfare of the institution as may come before them, in all which meetings nine trustees being present shall constitute a quorum for transacting business. But a majority of said twenty-five trustees shall be required to make, pass and establish ordinances, rules and by-laws, not contrary to the laws of this territory, for the government of said college, and the proper education of its students, and by them to delegate to the president, professors and other teachers, such powers and authorities as they may judge expedient for the government of the institution. And the said majority of trustees [80] shall also have power at any legal meeting, to alter or amend any rules or regulations by them established, and to do all matters and things which they may deem expedient, for the faithful fulfilment of their trust.

SEC. 8. Board may admit gratuitously person or persons, under certain circumstances. That the said trustees and their successors, shall have authority, whenever in their opinion the funds of the institution may justify the measure, to admit gratuitously, in whole or in part, as the respective cases may require, such person or persons as they may think proper to enjoy the benefits of tuition in said college. And said trustees are hereby authorized to receive subscriptions, donations and bequests, either in money, personal, real or mixed property, for the purpose of enabling them to meet the expenditures requisite in establishing and continuing said institution.

SEC. 9. May hold a commencement and graduate students—may confer degrees, manner of—examination to be held, and when. That for the purpose of stimulating and encouraging the students in their progress, and promoting the general interests of the institution, the said trustees and faculty shall have full power and authority, once in every year or oftener, as they by an ordinance shall direct, to hold a public commencement, with exercises suited to the occasion, and to graduate with literary honors, such students as shall from time to time be found to have merited the same by their character and acquirements. And said trustees and faculty shall have power and authority in furtherance of the aforesaid objects, to confer upon the deserving any and all degrees in the arts and in the learned professions, whether honorary or otherwise, in as full and ample a manner as in any similar institution, and may issue, when they deem it expedient, testimonials or diplomas, bearing the seal of said college, as certificates of the same, signed by the president of the college. It shall also be the duty of the faculty, prior to each commencement, to hold a public examination in presence of such trustees as may be able to attend, and of other citizens, at which time all the students of said college shall be examined in the several branches of learning which they have respectively studied, and that the fidelity of the teachers and the diligence of their pupils may appear.

SEC. 10. Half lot in Iowa City donated to college upon certain conditions—when fulfilled deeds for the same to be executed, and how, and by whom. That there is hereby donated to the said college the following piece of ground, known and designated as the "north half of block No. five," in the city of Iowa, as designated in the plat of said city, on the following conditions to wit: That the said trustees shall erect or cause to be erected, within the city of Iowa, or its precincts, a college edifice or edifices, within five years from the passage of this act, worth the sum of five thousand dollars, or buildings for the pur-[81]-poses aforesaid, worth ten thousand dollars, within ten years from the passage of this act, and the proper officers of the territory are hereby required, as soon as the trustees of said college shall have made a bona fide commencement to build said college edifice or edifices, to execute to said trustees a bond for a deed to said lot of ground, and as soon as said buildings aforesaid shall be completed, according to the provisions of this section, it shall be the duty of the proper officers of the territory to execute to the trustees aforesaid a deed, in fee simple, to said lot of ground, to have and to hold, to use and dispose of the same, for the purposes aforesaid, and no other.

SEC. 11. Non-user of privileges works no forfeiture. This act is hereby declared to be a public act and shall be construed liberally for every beneficial purpose, hereby intended, and no omission to use any of the privileges, hereby granted, shall cause a forfeiture of the same, nor shall any gift, grant, conveyance, or devise, to or for the benefit of said college, be defeated or prejudiced, by any misnomer, misdescription, or informality, whatever: provided, the intention of the parties can be shown or ascertained beyond reasonable doubt.

SEC. 12. **Act may be amended or repealed.** This act may be altered, amended or repealed by any future legislature of the territory, or state, of Iowa: provided, however, that the real estate hereby donated to said college shall not revert to said territory.

SEC. 13. This act to take effect and be in force from and after its passage.

Approved, 15th February, 1843.

CHAPTER 76.

ROAD.

AN ACT to locate a territorial road in Henry and Washington counties and vacate a part of a territorial road in said counties.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. **Names of commissioners and route of road.** That C. T. Hendrix, John Easley, of Wash-[82]-ington county, and R. M. Pickle, of Henry county, be and they are hereby appointed commissioners to lay out and establish a territorial road from the late residence of Zeno Plunket, in Henry county, to intersect a county road leading from Washington to Holcomb's mill, in Washington county, at said mill.

SEC. 2. **When and where to meet.** That said commissioners may meet at said mill on such day as they may agree (not exceeding six months from the passage of this act) to discharge their duties.

SEC. 3. **Surveyors and assistants—their compensation.** Said commissioners shall be allowed one dollar and fifty cents per day, for their services, and shall employ one competent surveyor and as many laboring hands as may be necessary. The surveyor shall receive two dollars and fifty cents per day, and the laborers shall not receive to exceed one dollar per day, to be paid according to the provisions of an act to provide for the laying out and opening territorial roads, approved January 25th, 1839.

SEC. 4. **Vacation of part of old road.** That so much of a territorial road, leading from Trenton, in Henry county, to Washington, the seat of justice of Washington county, established by virtue of the 9th section of an act entitled an act establishing certain territorial roads, therein named, and approved January 14th, 1840, as lies between the late residence of Zeno Plunket, in Henry county, and Washington, in Washington county, be and the same is hereby vacated.

SEC. 5. **New survey declared a territorial road.** That the county road aforesaid, leading from Washington, the seat of justice of Washington county, to Holcomb's mill, in said county, be and the same is hereby declared a territorial road.

Approved, 15th February, 1843.